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SUBJECT: REPORTS ON INTERNATIONAL CRIMINAL TRIBUNALS FOR
RWANDA AND THE FORMER YUGOSLAVIA

¶1. Summary: On October 8 the Presidents of the International Criminal Tribunal for Rwanda (ICTR) and International Criminal Tribunal for the former Yugoslavia (ICTY) reported to the U.N. General Assembly (UNGA) on the progress of their respective courts. Interventions followed from ten Member States (Sweden on behalf of the E.U., Canada on behalf of CANZ, Serbia, Norway, Croatia, Kenya, Rwanda, Albania, Russian Federation, and Tanzania). End Summary.

¶2. Judge Dennis Byron, President of the ICTR, noted that although 2009 marks the fifteen year anniversary of the genocide in Rwanda, it also commemorates the fifteen year anniversary of the establishment of the ICTR. Since then, the ICTR has rendered final judgments on eight cases involving eleven accused and he expects fourteen more trials against twenty-four accused. Recently, two "high rank" suspects were arrested and successfully brought before the tribunal. Byron advocated for judge's pensions and for assistance in dealing with attrition within the ICTR. He expressed his concern over the transition from the ICTR, as it begins to close down, to national jurisdictions saying that the closure must not send the wrong signal to fugitives at large. Byron exhorted national jurisdictions to ensure that genocide suspects are unable to find sanctuary. He closed by thanking Member States for their support over the last fifteen years.

¶3. Judge Patrick Robinson, President of the ICTY, expressed his gratitude to the General Assembly for its support. He reported that three appeal judgments were rendered along with three trial judgments with all but four trials set to conclude by 2010. Radovan Karadzic will be tried by 2012. Robinson lamented that two fugitives, Ratko Mladic and Goran Hadzic, remain at large. He, too, said he was concerned with retaining staff while ICTY wraps up its work since it is increasingly difficult to find qualified staff, let alone train them. He called for Member State support in finding a solution. Robinson raised the issue of compensating victims for their suffering and asked for Member State assistance, stating that "justice is not only about punishing perpetrators but also about restoring dignity to victims."

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INTERVENTIONS
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¶4. Ambassador Anders Liden of Sweden, on behalf of the E.U., commended the work of both tribunals and stated that they "prove that international criminal law is an enforceable body of law." He welcomed the ICTY's publication of a manual of

best practices for domestic and international courts.

¶15. Keith Morrill of Canada, representing Canada, New Zealand, and Australia (CANZ), lauded the ICTR/ICTY and said the lessons learned should be applied to courts on Sierra Leone, Cambodia, and Lebanon. Canada offered its full support and cooperation to the tribunals in their closing stages.

¶16. Ambassador Feodor Starcevic of Serbia pledged his full commitment and cooperation to the ICTY as Serbia has in the past such as access to archives, witness protection, and waivers. He promised to exert all efforts to track down the last two fugitives.

¶17. Norwegian Ambassador Morten Wetland urged Member States to honor their obligations and to provide full support (witnesses, financial and material support, and assistance in enforcement of sentences). While he welcomed the recent arrest of Idelphonse Nizeyimana, remaining fugitives need to be apprehended. Finally, he urged the Security Council to resolve the residual issues after the completion of terms of the tribunals.

¶18. Ambassador Ranko Vilotić of Croatia stated that the arrest and trial of the remaining ICTY fugitives was a priority and that he regretted that Karadžić was only in the pre-trial stage. While closure of the tribunals is legitimate, Croatia does not want it done at the expense of fair trials. He called for a strategy to manage residual issues.

¶19. Kenyan Ambassador Zachary Muburi-Muita said he was worried about the enforcement of sentences by the ICTR and called on

Member States to help host persons convicted by the tribunals. Muburi-Muita appreciated the training provided by the E.U. on International Criminal Law and observed that both tribunals have contributed immensely to the development of International Criminal Law.

¶10. Rwandan Ambassador Eugene Gasana thanked the Democratic Republic of Congo, Uganda, and Interpol for their efforts in the recent arrests of two ICTR fugitives. Rwanda stated that there should be no residual mechanism with trial capacity past 2010, as fugitives should be tried in national courts, countries where they were arrested, or in any member state willing to try them. Gasana refuted suggestions that the Rwandan justice system was below standards.

¶11. Albanian Ambassador Ferit Hoxha affirmed his country's support to strengthen international criminal law and justice and called on the Security Council to help the tribunals prosecute the remaining fugitives. He called on states where fugitives are suspected to reside to cooperate with the tribunals.

¶12. Gennady Kuzmin of the Russian Federation noted the considerable work accomplished by the tribunals but said the tribunals should not replace national courts. He advised that the tribunals should stick to their original time frames and not "drag out" their work due to outstanding fugitives. Kuzmin suggested bringing in national courts to take over the remaining cases.

¶13. Tanzanian Ambassador Augustine Mahiga praised the ICTR and the ICTY for fighting impunity and promoting rule of law.

He said Tanzania, as host of the ICTR, would continue its duties until its completion. Mahiga urged Member States to offer their detention facilities and to cooperate in the search for remaining fugitives. He stated that Tanzania should continue to host the ICTR archives as it would help with capacity building and training.

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